

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1034**

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**Introduced by Assembly Member Keene**

February 22, 2007

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An act to add Section 512.7 to the Labor Code, relating to employment.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1034, as amended, Keene. Meal periods: transportation industry.

Existing law prohibits an employer from requiring an employee to work during any meal or rest period mandated by an order of the Industrial Welfare Commission and establishes penalties for an employer's failure to provide a mandated meal or rest period.

This bill would permit parties in the transportation industry, under a valid collective bargaining agreement, to establish an off-duty meal period that commences after not more than 6 hours of work and the circumstances for on-duty meals by commercial drivers, *if the collective bargaining agreement also provides for a premium rate for overtime hours and a specified regular hourly rate.*

*This bill would provide that it does not affect the requirements for meal periods for employees other than commercial drivers in the transportation industry subject to a collective bargaining agreement.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 512.7 is added to the Labor Code, to read:

512.7. (a) In the transportation industry, the parties to a valid collective bargaining agreement covering commercial drivers may establish, by the express terms of that agreement, the following:

(1) An off-duty meal period that commences after not more than six hours of work.

(2) The circumstances under which commercial drivers may qualify for an on-duty meal period.

(b) Except as to terms that the parties establish pursuant to subdivision (a), employers in the transportation industry shall provide off-duty and on-duty meal periods in accordance with Section 512 and the applicable provisions of Wage Order 9 of the Industrial Welfare Commission.

(c) *This section applies only if the collective bargaining agreement covering commercial drivers provides for premium wage rates for all overtime hours worked and a regular hourly rate of pay for commercial drivers which is at least 30 percent higher than the state minimum wage.*

SEC. 2. *Notwithstanding any other provision of law, Section 512.7 of the Labor Code shall not be construed to affect the interpretation of the nature or scope of the law related to meal periods, including, but not limited to, the timing of commencement of a meal period, other than for employees or employers specifically covered by Section 512.7.*